IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1708 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

KAILASH C. PATIL & ANR. ..RESPONDENTS

AND

CRIMINAL WRIT PETITION NO. 2168 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

KAILASH C. PATIL & ANR. ..RESPONDENTS

AND

CRIMINAL WRIT PETITION NO. 2276 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

SUNSHINE SAND SUPPLIERS ..RESPONDENTS

AND

CRIMINAL WRIT PETITION NO. 2277 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

JAYMALLA M. BHOIR ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2278 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

JAYMALLA M. BHOIR ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2279 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

DHANANJAY PATIL & CO. ..RESPONDENT



AND

CRIMINAL WRIT PETITION NO. 2280 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

CHANDRAKANT BHAGAT ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2281 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

LAXMAN S. PATIL ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2282 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

RAJESH M.BHOIR ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2283 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

KAILASH SAND DREDGING CO. ..RESPONDENT

AND

CRIMINAL WRIT PETITION NO. 2284 OF 2006

YETURI R. REDDY ..PETITIONER

V/S

LAXMAN S. PATIL ..RESPONDENT

MR. SANJIV A. SAWANT, ADVOCATE FOR PETITIONER.

MS. M.M. DESHMUKH,APP.

MR. P.V. BADADINE, ADVOCATE FOR RESPONDENT NO.1.

**CORAM: J.H. BHATIA, J.**

**DATE : 18TH JUNE, 2007.**

P.C.

1. Heard Mr. Sanjiv Sawant, learned counsel for the Petitioner and Mr. P.V. Badadin, learned counsel for Respondent No.1.

2. The Petitions arise out of the criminal complaints and prosecution under section 138 of the Negotiable Instruments Act filed at behest of the complainant/Respondent No.1. In all the complaints the Petitioner was convicted and order of sentence and fine was imposed by the trial court. The petitioner challenged the conviction and sentence by filing the Appeals before the Sessions Court, Thane While admitting the Appeal and suspending the execution of the sentence the learned Addl. Sessions Judge, Thane, directed in each matter to deposit 50% of the cheque amount or to furnish bank guarantee for the same. The

Petitioner contended that the order passed by the Addl. Session Judge is not proper and he is unable to



deposit huge amount involved in all 11 cases. Therefore he filed these writ petitions challenging the order passed by the Addl. Sessions Judge.

3. It may be noted that in the writ petition No. 1708/2006, this court had only extended the time for depositing the amount but no reduction in the amount of deposit was granted. Therefore, the petitioner filed the petition for Special Leave to Appeal (Cri.) No. 4440 of 2006 wherein the leave was granted and it was registered as Criminal Appeal No. 658 of 2007. In the said Appeal by order dated 13th April 2007, the Hon'ble the Supreme Court Court modified the order of this court directing that in the event the Appellant deposits a sum of Rs. 50,000/- before the trial court within 4 weeks from that date, the order of sentence passed against the Appellant shall be suspended. In view of this order passed by the Supreme Court, the Writ Petition No. 1708 of 2006 has already become infructuous.

4. Learned counsel for both the parties concede that in view of the directions given by the Hon'ble Supreme Court in one matter, the remaining 10 Writ Petitions

may also be disposed of with similar directions.

5. Therefore while Writ Petition No. 1708/2006 is disposed of as infructuous, in Writ Petition Nos.



2168/06, 2276/06, 2277/06, 2278/06, 2279/06, 2280/06, 2281/06, 2282/06, 2283/06 and 2284/06, the impugned order passed by the Sessions Court shall stand modified to the effect that the petitioner shall deposit a sum of Rs. 50,000/- before the trial court within a period of 4 weeks from today in each of the matters and subject to the payment the order of sentence passed against the Appellant shall remain suspended till the decision of the Appeals preferred by them before the Sessions Court.

6. The writ petition stands disposed of.

**(J.H. BHATIA, J.)**